

Fact Sheet for Information Session on EPA's Proposed Revision to the Texas Regional Haze Federal Implementation Plan

University of Texas
Joe C. Thompson Conference Center, Room 1.110
Austin, Texas
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Summary

On October 17, 2017, the EPA published a final rule partially approving the 2009 Texas Regional Haze State Implementation Plan (SIP) submission and promulgated a Federal Implementation Plan (FIP) for Texas to address certain outstanding Clean Air Act (CAA) regional haze requirements. Because the EPA believes that certain aspects of the final rule could benefit from additional public input, we are proposing to affirm our October 2017 SIP approval and FIP promulgation and to provide the public with an opportunity to comment on relevant aspects, as well as other specified related issues.

To view our proposal or submit a comment:

Our proposal was published in the Federal Register on August 27, 2018. It can be found on the internet at www.regulations.gov (in www.regulations.gov, search for Docket number EPA-R06-OAR-2016-0611, then find document number EPA-R06-OAR-2016-0611-0127, which is the proposal). Comments may be emailed to [[HYPERLINK "mailto:R6_TX-BART@epa.gov"](mailto:R6_TX-BART@epa.gov)] or submitted through www.regulations.gov, as explained in the proposal. Comments must be received on or before October 26, 2018. Comments may also be given during the Austin public hearing. EPA will consider the public hearing record and all other comments received during its decision-making process.

Regional Haze:

Congress directed EPA under the federal Clean Air Act sections 169A and 169B to improve visibility at certain national parks and wilderness areas, known as Class I areas.¹ This includes a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate the “Best Available Retrofit Technology” (BART), as determined by the state or us in the case of a FIP. Under the Regional Haze rule (RHR), states are directed to conduct BART determinations for such “BART-eligible” sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area. Under the Reasonable Progress requirements, states must establish goals (RPGs) that provide for “reasonable progress” toward achieving natural (i.e., “background”) visibility conditions for each Class I area within the State.

Texas Regional Haze Plan:

In our October 2017 final rule, we finalized a final rule partially approving the 2009 Texas Regional Haze State Implementation Plan (SIP) submission and promulgated a Federal Implementation Plan (FIP) for Texas including:

¹ Areas designated as mandatory Class I Federal areas consist of National Parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979).

- NO_x: determination that participation in CSAPR for ozone season NO_x satisfies NO_x BART requirements
 - PM: approved the 2009 Regional Haze SIP BART determination that Texas sources are not subject to BART for PM
 - SO₂: an intrastate trading program capping emissions of SO₂ from certain EGUs in Texas as a BART alternative for SO₂
- We worked closely with Texas to develop the trading program that was included in our October 2017 final rule.
 - In December 2017, EPA received a petition for reconsideration of the October 2017 rule requesting that the Administrator reconsider certain aspects of the FIP related to the SO₂ intrastate trading program.
 - As stated in our response to the petition, we believe certain aspects of the federal plan can benefit from further public comment.
 - Our August 2018 proposed rule proposes to reaffirm our October 2017 rulemaking.
 - In our proposal, we are also soliciting comment on the following specific elements:
 1. The issuance of a FIP establishing an intrastate trading program capping emissions of SO₂ from certain EGUs in Texas and our determination that this program meets the requirements for an alternative to BART for SO₂.
 2. Our finding that the BART alternatives in the October 2017 rulemaking to address SO₂ and NO_x BART at Texas' EGUs result in emission reductions adequate to satisfy the requirements of CAA section 110(a)(2)(D)(i)(II) with respect to visibility for a number of NAAQS issued between 1997 and 2010.
 3. Our approval of Texas' SIP determination that no sources are subject to BART for PM.
 4. Should recent shutdowns of sources included in the program impact the allocation methodology for certain SO₂ allowances?
 5. Should the recent merger of two owners of affected EGUs impact the allocation methodology for certain SO₂ allowances?
 - In our proposal, we also invite comment on additional issues that could inform our decision making with regard to the SO₂ BART obligations for Texas. We note, however, that should the Agency decide to act pursuant to any comments we receive on these additional policy questions, we may initiate a new rulemaking process with a new proposed rule.
 1. Would SO₂ BART be better addressed through a source-by-source approach (source-specific BART), the October 2017 SO₂ trading program, or some other appropriate BART alternative?
 2. Would a SIP-based program serve Texas better than a FIP?
 3. Should (and if so, how) the SO₂ trading program finalized in the October 2017 final rule address the long-term strategy and reasonable progress requirements for Texas?

Procedure for Submitting Written Comments

Submit your written comments, identified by Docket No. EPA-R06-OAR-2015-0189, by one of the following methods:

- Federal e-Rulemaking Portal: [[HYPERLINK "http://www.regulations.gov"](http://www.regulations.gov)].
- E-mail: [[HYPERLINK "mailto:R6_TX-BART@epa.gov"](mailto:R6_TX-BART@epa.gov)].